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| <p style="text-align: center;"><b>KENTUCKY<br/>CORRECTIONS</b><br/>Policies and Procedures</p>                                                                     | <p>Policy Number</p> <p style="text-align: center;">27-15-01</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p> | <p>Total Pages</p> <p style="text-align: center;">4</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p> |
| <p>Authority/References</p> <p>KRS 196.035, 439.330, 439.348, 533.020, 533.030<br/>P&amp;P ACA Standard 3-3156, 3-3157, 3-3158, 3-3159, 3-3168, 3-3178, 3-3203</p> | <p>Subject</p> <p style="text-align: center;"><b>SUPERVISION REPORTING DOCUMENTS,<br/>VIOLATIONS AND UNUSUAL INCIDENTS</b></p>         |                                                                                                                               |

## I. DEFINITIONS

As used in this document the following definitions apply:

“Arrest” means the apprehension, legal custody, or seizure of a person by a law enforcement official.

“Major violation” means an inappropriate act by an offender, which poses a serious threat to the community or themselves.

“Minor violation” means an inappropriate act by an offender, which does not pose a serious threat to the community or themselves.

“Offender” means a person who is placed on the supervision of the Division of Probation and Parole.

“Releasing authority” means the Parole Board, District or Circuit Courts, or Interstate Compact.

“Unusual incident” means any occurrence or event which may significantly impact public safety, affect the offender's adjustment or cause considerable publicity or notoriety.

## II. POLICY and PROCEDURE

- A. All arrests and violations of supervised offenders shall be investigated immediately, and all arrests and major violations shall be reported promptly to the releasing authority (3-3159).
- B. A special supervision reporting document shall be prepared and submitted to the releasing authority whenever an unusual incident occurs that involves the offender (3-3178).

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C. Investigations

All reports of an offender arrest, technical violation, conviction of a new offense, or unusual incident shall be investigated as soon as possible, not to exceed three (3) working days after being advised of the incident. After review by the District Supervisor or designee, the results of the investigation shall indicate what action is required at that time. (3-3157, 3-3158, 3-3159, 3-3203)

D. Arrests

Upon completion of the investigation, the Probation and Parole officer (officer) shall, within ten (10) working days, prepare a document including the status of the pending charges, charging agency, court dates, and a description of the offense and bond information. (3-3203)

E. Disposition

Once the case is adjudicated, the supervising Probation and Parole officer shall consult with the District Supervisor or designee either by phone, in person, or by preparing a special supervision reporting document, to provide a synopsis of the offender's behavior during the period of supervision, specifics of current violations, and any extenuating circumstances of the case. Recommendation for further action or alternative measures shall be included in the document. (3-3168) Example: referrals, in-patient or out-patient counseling, increase level of supervision. (3-3157)

F. Preparation, Submission and Distribution of Special Reporting Documents

Within ten (10) working days of the disposition of the charge, the Probation and Parole officer shall prepare and submit through the District Supervisor or designee (3-3157), a special supervision reporting document to the releasing authority advising the authority of the final disposition and recommendations, which includes the status of the pending charges, charging agency, court dates, a description of the offense and bond information. (3-3203) If the recommendation is to proceed with revocation, the Probation and Parole officer shall follow the procedures as established in CPP 27-19-01, Preliminary Revocation Hearings, on a parole case and as directed by the court on a probation case in that particular area. (3-3203) If the recommendation is to utilize alternatives to revocation in lieu of incarceration, the officer shall advise the releasing authority of the specifics of the alternative measures recommended.

(It shall be noted that on probation cases, the judge has the sole authority to determine what action, if any, shall be taken in the case. Parole cases differ in this procedure, in that the officer has the authority to initiate revocation proceedings, prior to the Parole Board being advised of the violation.) Parole

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cases shall be reviewed by the District Supervisor or designee prior to submission to the Parole Board. (3-3157, 3-3158)

#### G. Types of Violations

1. Minor violations may be resolved by the Probation and Parole officer. These may include but are not limited to the following (3-3156):
  - a) Failure to report a citation or arrest,
  - b) Missing scheduled report day,
  - c) Being in an establishment where alcohol is sold as a primary commodity,
  - d) Traffic offenses unless arrested,
  - e) Failure to pay court costs, fines, supervision fee, child support or restitution on time,
  - f) Failure to seek employment,
  - g) Failure to enroll or maintain school attendance,
  - h) Falsifying the release report,
  - i) Violation of other special conditions unless ordered by releasing authority;
  - j) Association with convicted felon,
  - k) Violation of travel restrictions,
  - l) Change of residence without officer's permission,
  - m) Visiting a correctional facility without prior approval,
  - n) Failure to notify Probation and Parole officer about address change,
  - o) Issuance of an Emergency Protective Order or Domestic Violence Order, and
  - p) Other violations of similar magnitude.
  
2. Major violations shall be reviewed by the District Supervisor or designee and may include but are not limited to the following:
  - a) Misdemeanor or felony conviction,
  - b) Absconding supervision,
  - c) Failure to comply with treatment,
  - d) Two minor violations within ninety (90) days,
  - e) Positive drug or alcohol test,
  - f) Refusal to submit to an alcohol or drug test,
  - g) Intimidating or threatening a Probation and Parole officer,
  - h) Possession or use of a weapon by an offender,
  - i) Failure to comply with sex offender registry;
  - j) Over three (3) months behind on ordered financial obligation,
  - k) Violation of special conditions ordered by the releasing authority,
  - l) Violation of travel restrictions to another state, and
  - m) Other violations as determined by the District Supervisor.

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#### H. Unusual Incident

1. Any unusual incident involving an offender under supervision shall be investigated immediately and an approved special reporting document detailing the officer's findings shall be submitted to the releasing authority through the District Supervisor or designee within three (3) working days after learning of the incident. Corrective action may not be necessary; however, the special reporting document shall be submitted. One (1) copy of the special reporting document shall remain in the file, one (1) shall go to the District Supervisor or designee and the original shall go to the releasing authority.
2. An unusual occurrence often prompts a press or administrative inquiry and therefore the District Supervisor, Assistant Director of Probation and Parole, or designee shall be contacted immediately.

#### I. Federal or Out-of-State Convictions

If an offender receives a federal conviction or a conviction in another state, the officer shall obtain a copy of the conviction and submit it along with a special report to the releasing authority.